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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|--|-------------|----------------------|------------------------------|------------------------|
| 09/810,365   | 03/16/2001  | Yeong-Taeg Kim       | SAM1.0084                    | 9213                   |
| 23386 7590 07/16/2007<br>MYERS DAWES ANDRAS & SHERMAN, LLP<br>19900 MACARTHUR BLVD.,<br>SUITE 1150<br>IRVINE, CA 92612 |             |                      | EXAMINER<br>BUI, KIEU OANH T |                        |
|  |             |                      | ART UNIT<br>2623             | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>07/16/2007      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                                 |  |
|------------------------------|-------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/810,365 | Applicant(s)<br>KIM, YEONG-TAEG |  |
|                              | Examiner<br>KIEU-OANH BUI     | Art Unit<br>2623                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 04/05/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the foundation of the present application is not PC based, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Applicant simply argues and focuses on the point that Gagnon is a PC based system that cannot receive "digital television signals." This statement might be true way back to 15 years ago, but it does not apply and it is not correct for the Gagnon's enhanced system. Refer to Figs. 22 & 23, Gagnon clearly shows that the system has capability to receive and handle digital television signals, i.e., satellite receiver card for receiving digital signals via satellite, and/or in column 26/line 65 to column 27/line 34, Gagnon's apparatus can handle MPEG digital stream with appropriate decoder & driver – also note ISDN network connected. In addition, all the claim languages of claims 1, 13, 16, and 19, the claims simply referred to "a receiver" (no more no less) for receiving a digital television signal – meaning a black box with no thing else. Therefore, the assumption from the applicant that Gagnon's system cannot transmit or receive digital television signals is a mistake; and the examiner would like to invite the applicant to take a closer look at Gagnon's reference as pointed out above. The examiner respectfully disagrees with the applicant's arguments and stands with the disclosure and teaching of Gagnon's as previously disclosed and now discussed herein.

***Claim Rejections - 35 USC 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gagnon et al. (U.S. Patent No. 6,522,342 B1).

Regarding claims 1 and 23, Gagnon teaches a receiver for a digital video service network, the receiver comprising means for receiving a digital television signal broadcast by a broadcaster over a transmission medium (Fig. 1 and col. 8/line 36 to col. 9/line 29); and the digital signal including a preview program and broadcasting schedule information, wherein both the preview program and the broadcasting schedule relating to a main program (Figs. 5-7 & 10-11, and col. 17/lines 15-55 for preview program); means for decoding the digital television signal (col. 25/line 48 to col. 26/line 63 for details on the receiver for decoding the digital signal); means for providing an output signal reflective of the preview program for display; and wherein the preview program and the broadcast schedule information is received simultaneously at the receiver for displaying (as shown in Figs. 2A, 9, 11 and col. 10/line 50 to col. 12/line 25 for GUI and displaying concerned).

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For claims 2, 3 and 4, Gagnon teaches these known features for receiving digital signal and extracting bit streams as TS demultiplexer for outputs preview and broadcast schedule information (col. 25/line 60 to col. 26/line 36 & Figs. 2A, 5-6, 9, 11).

For claim 5, Gagnon teaches a data manager as a system manager for handling the control task for directing the stream flow of data from the digital television signal (refer to Fig. 23 and col. 27/line 35 to col. 28/line 8).

For claims 6-8, Gagnon teaches these know feature of a digital storage device, application decoders for decoding audio/video bit streams (Figs. 22/item 434 for video/audio decoder; Fig. 23/item 540 for storage), and for generating an icon to overlay the video output of the decoded video signal during display (Fig. 23/items 506 & 508 for video mpeg driver and video VGA driver for outputting the display; and as shown in Fig. 9 for a plurality of icons in preview program sections).

For claims 9-12 and 24, Gagnon teaches means for downloading the broadcasting schedule information while the preview being decoded and displayed including describing main program, a channel number and a start time (Figs. 10-12, and col. 15/line 30 to col. 16/line 55; and Figs. 32a-32b & col. 36/lines 15-42 for an example of checking and comparing the clock with start times of broadcast programs).

For claims 13-22, these claims, with similar features and methods as noted earlier and further addressing MPEG2 for digital signal (Gagnon teaches on col. 26/line 65 to col. 27/line 24 for MPEG digital signal), are rejected for the reasons given as discussed in claims 1-12 and 23-24 above.

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***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

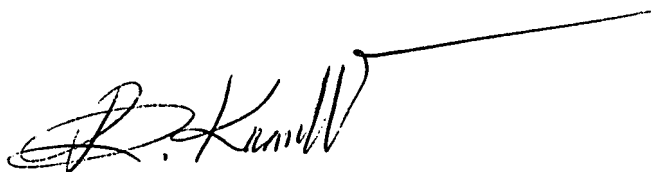
*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Krista" Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, which alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "K. Bui", with a long horizontal line extending from the end of the signature.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB  
July 06, 2007